

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :  
 :  
 v. : **1:21-CR-415-1**  
 :  
 YOSEF AMIEL HANDY :

**TRIAL BRIEF**

NOW COMES the Defendant, by and through his undersigned counsel, and hereby submits the following brief in anticipation of trial:

## STATUS OF THE CASE AND ALLEGED OFFENSE

This matter is set for jury selection on February 22, 2022, with trial anticipated to start on same day at 9:30 a.m. in Winston-Salem, North Carolina. Assistant United States Attorneys Graham T. Green and Margaret M. Reece represent the Government in this matter.

On December 13, 2021, the Grand Jury returned a One Count Indictment against the Defendant. The indictment alleged a violation of Title 18 U.S.C., Section 922(g)(1) and 924(a)(2).

The Defendant has pleaded not guilty to this indictment, and challenges the Government to prove, beyond a reasonable doubt, each and every element of the offense charged. At trial, the Government will be required to prove the following elements beyond a reasonable doubt:

**First**, that on or about the date charged in the Indictment (September 11, 2021), the defendant knowingly possessed a firearm.

**Second**, that prior to possessing the firearm, the defendant had been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

**Third**, that at the time of the charged possession, the defendant knew he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year.

**Fourth**, that the defendant's possession of the firearm was in or affecting interstate or foreign commerce.

### **FACTS**

On September 11, 2021, a shooting was reported in the pit area of the Friendship Motor Speedway, located at 11420 NC 268, Elkin, NC 28621. The shooting is alleged to have happened after or simultaneously to a rather large scaled fight between numerous individuals at the race track. Witnesses described the shooter as a tall, thin, African-American male, later identified as Yosef "YoYo" Amiel HANDY.

The allegations are simply that Yosef "YoYo" Amiel HANDY is

a previously convicted felon, who on September 11, 2021, unlawfully possessed (and fired) a firearm in the City of Elkin, North Carolina in the Middle Judicial District of North Carolina. Defendant Handy adamantly denies the accusations and emphatically states that he was not in possession of a firearm on this occasion and certainly did not fire one.

Law enforcement located a greenish colored firearm (Beretta, model APX, 9mm pistol, bearing serial number A104959X) in close proximity to the shooting. This particular firearm is the one that was alleged to be possessed by Defendant Handy. Law enforcement processed the firearm, the firearm magazine and ammunition rounds located with the Beretta for latent prints. None were found.

Law enforcement interviewed several eyewitnesses to the shooting. Multiple witnesses that were interviewed could not state that the individual identified as Yosef "YoYo" Amiel HANDY fired a weapon or was in possession of a handgun. Conversely, there were some witnesses that in fact conclusively identified the "shooter" and the individual possessing a firearm as Defendant Handy. This issue will be resolved by the trier of fact and hinges on the credibility and believability of the Government's witnesses.

### **DISCUSSION**

Under the Sixth Amendment, in all criminal prosecutions, the accused criminal has the right to a trial by an impartial jury of district in which the individual allegedly committed a crime. The Government will bear the burden of proving that the Defendant possessed the firearm on or about September 11, 2021 in Surry County.

This the 12<sup>th</sup> day of February 2022.

**THE LAW OFFICES OF COREY D. BUGGS, PLLC**

/s/Corey D. Buggs

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 12, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

GRAHAM T. GREEN  
Assistant United States Attorney

MARGARET M. REECE  
Special Assistant United States Attorney

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